

To: US district court

Fr: Jeremiah Johnson

Re: Order to show cause "trial court failed to inform petitioner of parole term"
CV07-06510 MHP

Date: 8-5-2008

Petitioner would like to withdraw his claim that trial court failed to inform him of the parole term because it was brought to his attention in 2008 way after the time limits for filing his federal habeas petition that the trial court did in fact inform him of the parole term. The only reason he filed on this claim without first receiving his transcript was because the time limit for filing his federal petition under the A.E.D.P.A was running. Petitioner 1 year was up AUGUST 20, 2007. Before petitioner filed he had requested his transcripts numerous times from the clerk of court D.Keys and his attorney Maureen Kildee please see attached letter and declaration.



PUBLIC DEFENDER

Contra Costa County

David C. Coleman
Public Defender

ALTERNATE DEFENDER OFFICE

Supervising Attorneys

Susan A. Hutcher
Branch Supervisor

Denise M. Nolan
Assistant Public Defender

September 8, 2006

Jeremiah Johnson
CDC# V98845
San Quentin State Prison
San Quentin, CA 94964

Dear Mr. Johnson:

Per your request, I have enclosed a certified copy of the minute order reflecting your conviction in the above-referenced case. I have not enclosed the requested sentencing transcript because one was not generated for that court date. If you wish to obtain your own transcript, you may do so by contacting the reporter listed on the order.

In addition, I have not enclosed the police reports from your case. You were provided copies of the report while your case was pending, and since I am no longer working at the Richmond office, I do not have access to duplicate copies. You may contact the Richmond Public Defender Office if this is something you still want to pursue.

I hope that you are doing well.

Very truly yours,

A handwritten signature in black ink, appearing to read "Maureen", with a long, sweeping horizontal line extending to the right.

Maureen Kildee
Deputy Public Defender

1
2
3 Declaration

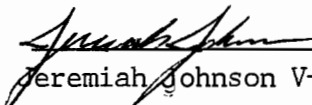
4 I Jeremiah Johnson the undersigned hereby do declare that I made numerous
5 attempts to get Contra Costa County Public Defender and Clerk of the Court to
6 furnish me with transcripts of the 6-20-06 court proceedings which would prove
7 the trial court failed to inform me of the parole term, and also that I would
8 no longer be eligible for half-time credits on my three year sentence. I have
9 been unable to obtain copies of these transcripts for my petition for writ of
10 habeas corpus, case no. 071327-2.

11 However I received a letter from Maureen Kildee, Public Defender dated 9-
12 8-06 which is enclosed with this petition for writ of habeas corpus as exhibit d.
13 After I received this letter, I wrote the clerk via legal mail from San Quentin
14 reception center, where I was held for 17 months with no access to the law library
15 except on three or four occasions, before being transferred to Avenal State Prison.
16 The clerk never responded, and I have not received the transcripts of the 6-20-06
17 change-of-plea and sentencing proceedings.

18
19 I was unable to wait any longer for the trial transcripts of the 6-20-06
20 proceedings and had to file my claims in the Superior Court without them, since
21 the one year time limit was running on my federal petition. I am requesting those
22 transcripts again- see enclosed Motion to Produce Transcripts, Exhibit D.

23
24 I declare under the penalty of perjury that the foregoing is true and
25 correct.

26
27 September 27, 2007

28

Jeremiah Johnson V-98845

I, the undersigned, hereby certify that I am a party of within action.

Jeremiah Johnson

That on August 5, 2008 I served a true and correct copy (ies) of the attached , by placing
said copy(ies) in a postage paid envelope addressed to the person (s) hereinafter listed, by
depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
delivery receptacle located in the Post Office.

*Office of the Clerk
U.S. District Court
450 Golden Gate Ave
San Francisco, Ca. 94102*

*Attorney General
455 Golden Gate Ave St 11000
San Francisco, Ca. 94102*

A handwritten signature in black ink, appearing to be "J. Johnson", written in a cursive style.